

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE
VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL,
ON WEDNESDAY, FEBRUARY 3, 1999.**

Members Present: Patrick J. Gilmartin, Chairman
William Hoffman
Peter Lilienfield
Allen Morris, Secretary
Patrick Natarelli

Also Present: Kevin J. Plunkett, Village Counsel
Brenda Livingston, Ad Hoc Planning Board Member
Eugene Hughey, Building Inspector
Florence Costello, Planning Board Clerk
Thomas Jackson, Environmental Conservation Board
Applicants and other persons mention in these Minutes
Members of the Public.

**IPB Matters
Considered:**

94-03 -- Westwood Development Associates

Sht.10,P25J2,25K2;Sht.10C,B1.226,Lots 25A,26A

Sht.11,P-25, P-25J

98-28 -- Spectrum Irvington, Amendment

Sht. 12B, Lot #47

98-43 -- Stanley Rubenzahl

Sht. 10, P-77, Part of P-21F

98-44 -- Ciccio & Chernick

Sht. 10C, Bl. 226, Lot 25

99-01 -- Miji Inaba

Sht. 10F, Bl. 253, Lot 1

99-02 -- Hudson House Tenants Corp.

Sht. 1, Bl. 222, Lot 1

99-04 -- Marriott International

Sht. 7, P-39

99-06 -- Julian Morrow

Sht. 15, P-121C

99-07 -- Spectrum Irvington, Amendment

Sht. 12B, Lot #1

99-08 -- Spectrum Irvington, Amendment

Sht. 12B, Lot #8

99-09 -- Spectrum Irvington, Amendment

Sht. 12B, Lot #22

99-10 -- Spectrum Irvington, Amendment

Sht. 12B, Lot #68

99-11 -- Ettore & Maria D'Alessio

Sht. 13, P-141K

99-12 -- Alan & Judy Cohen

Sht. 15, P-116

99-13 -- Henry & Geraldine Hall

Sht. 11, P-27J

The Chairman called the meeting to order at 8:00 p.m.

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees.

IPB Matter #99-02:

**Agenda Entry Request from Hudson House
Tenants Corp., for property at 100 Ardsley
Avenue West.**

Although appearing on the agenda, the Applicant circulated revised drawings that were received too late for the Board's consideration. The application was carried over to the Board's March meeting.

IPB Matter #99-01:

**Application of Miji Inaba for Final Site
Development Plan Approval for property at
Fieldpoint Drive.**

Although appearing on the agenda, the Applicant circulated revised drawings that were received too late for the Board's consideration and on which the Board's engineering consultant, Ralph Mastromonaco, had many comments. The application was carried over to the Board's March meeting.

IPB Matter #99-06:

**Application of Julian Morrow for Site
Development Plan Approval for property
at 9 Hudson Road East.**

Mr. Morrow appeared personally for the application. Applicant paid the required application fee and provided evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of adding to the existing residence 1,200 square feet of floor area on a total of two floors for a total of 11,600 cubic feet. The footprint will increase by 550 square feet to include a bedroom, bathroom, breakfast room with a connecting hallway, and a multipurpose family room over the existing two car garage. Drawings entitled Additions and Renovations to the Morrow Residence by Peter Gisolfi Associates (6 sheets), dated 12/01/98, were submitted. The Chairman noted that the project required a zoning variance from the Zoning Board of Appeals.

The Chairman, with the Board's concurrence stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments

from the Board's Consulting Engineer or the public. The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship, and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application subject to approval by the Zoning Board of Appeals of any variance required in connection with this Application.

IPB Matter #99-12:

**Application of Alan & Judy Cohen for Site
Development Plan Approval for property at
44 Ardsley Avenue East.**

Matthew Behrens, Architect, appeared for the Application. Applicant paid the required application fee and submitted evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of a one-story addition of approximately 350 square feet. The addition will contain a new family room, and will be constructed on the back, (south) side of the house. Drawings entitled Addition/Alteration Cohen Residence by Matthew Behrens, dated January 13, 1999 (three sheets) were submitted.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed addition and alteration meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist

which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #99-13:

**Application of Henry & Geraldine Hall for
Site Development Plan Approval for property
at 200 Hermit's Road**

Barry Milowitz, Architect, appeared for the Application. Applicant paid the required application fee and submitted evidence of mailing of required Notice to Affected Property Owners. Applicant is requesting Site Development Plan Approval for an addition of second floor to a portion of the existing house, adding approximately 1,176 square feet on a total of two floors and a total of about 9,798 cubic feet. Drawings entitled Proposed Renovation to Hall McGowan Residence by the Milowitz Office dated January 9, 1999, (2 sheets) were submitted.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval and as a Type II Action for SEQRA purposes. There were no comments from the Board's Consulting Engineer or the public.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, the Zoning Ordinance of the

Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #98-43:

**Application of Stanley Rubenzahl for
Subdivision Approval for property at
76 North Broadway.**

Norman Sheer, Esq., appeared for the Applicant, and submitted evidence of mailing of required Notice to Affected Property Owners for tonight's public hearing for final subdivision approval. Mr. Stanley Rubenzahl, owner, seeks to subdivide the property into two lots. No new construction is proposed.

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and on motion duly made, seconded and unanimously carried adopted the Resolution Granting Final Subdivision Approval for Lot 2 Subdivision of Property of Stanley Rubenzahl that is attached to these Minutes and made a part hereof.

IPB Matter #99-11:

**Application of Ettore & Maria D'Alessio for
Amended Site Development Plan Approval for
property at 27 & 29 Hamilton Road.**

Christina Griffin, Architect, appeared for the application. Applicant paid the required application fee and provided evidence of mailing of required Notice to Affected Property Owners. Owners are requesting an amendment to a previously approved Site Development Plan (IPB #97-14), for the elimination of two side driveways and the addition of two garages.

There were no comments from the public. Mr. Mastromonaco's memo dated February 3, 1999 noted concerns regarding first floor elevation, drainage calculations, and the proposed parking causing cars to back out onto Hamilton Road. The Board agreed to carry over the application to the March 10, 1999 meeting.

IPB Matter #99-04:

**Application of Marriott International for an
amendment of the Zoning Ordinance for
property at 100 South Broadway.**

Messrs. Ronald F. Dee, Gerald Loehr, and R. Rosen appeared for the Application regarding a Petition to Amend the Irvington Zoning Code to allow construction of an assisted living facility at the site of the Murray-Griffin Estate on South Broadway. The Chairman read aloud a proposed letter from the Board addressed to the Board of Trustees which had been circulated to the Members of the Planning Board for review and comment after their inspection of the site with Marriott representatives, which recommended against the change in the Zoning Ordinance requested by Marriott. After discussion, the Board unanimously authorized the

Chairman to sign and deliver the letter as the Planning Board's recommendation. A copy of the letter is attached to these minutes and made a part hereof.

IPB Matter #98-44:

Application of Joseph & Denise Ciccio and Mitchell & Sheri Chernick for subdivision of property at Riverview Road.

Norman Sheer, Esq., appeared for the Application. Applicants are requesting approval for a site development plan for two homes. Mr. Sheer requested that the Board take action determining the Site Capacity of the property. The Chairman noted that there were many questions about the law applicable to paper roads about which Village counsel has been asked for advice. The Chairman said Mr. Mastromonaco had not yet confirmed Applicant's calculation of the Site Capacity but he would follow up with Mr. Mastromonaco. No action was taken on this application, which was carried over to the March meeting.

IPB Matter #94-03:

Application of Westwood Development Associates, Inc., for Limited Site Development Plan Approval for property at Broadway, Riverview Road and Mountain Road.

No presentation by Applicant. All written DEIS comments were noted and will be forwarded to Mr. Pateman.

Ministerial:

Legend Hollow -- Temporary location of construction and sales trailers. Mr. Craig Studer appeared for the Applicant. Previously, Spectrum had been granted permission by the Planning Board to temporarily move the construction trailers to the area south of the pump house on Manor Pond Lane at Legend Hollow providing details were discussed with Mr. Hughey, Building Inspector. Mr. Hughey noted that the area lies within the Irvington Water Shed Boundary and that it needed to be further discussed with the Planning Board, for structures and stockpiles within the Watershed Lands must be approved. Mr. Hughey agreed to allow trailer move on no impact on environment basis, wooden walkways are required and trailers to be taken away by October 1999. The Planning Board agreed to Mr. Studer's request, letter dated February 3, 1999.

IPB Matter #99-09:

Public Hearing on Application of Spectrum Irvington Corp., for Revision to Site Development Plan Approval for Lot #22, Legend Hollow.

Mr. Craig Studer appeared for the Applicant. Applicant paid the required application fee and provided an Affidavit of Publication and evidence of mailing of required Notice to

Affected Property Owners. The Chairman opened the public hearing. This Application was previously heard at the October 7, 1998 meeting (IPB #98-41).

Applicant is requesting a revision to the proposed building footprint. There were no comments from the public. After discussion the Board closed the public hearing and took the following action. It approved Site Plan (Lot #22) dated September 8, 1998, last revised January 15, 1999.

IPB Matter #99-07:

**Public Hearing on Application of Spectrum
Irvington Corp., for Revision to Site
Development Plan Approval for Lot #1,
Legend Hollow.**

Mr. Craig Studer appeared for the Applicant. Applicant paid the required application fee and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. The Chairman opened the public hearing. This Application was previously heard at the October 7, 1998 meeting (IPB #98-14). There were no comments from the public or Mr. Mastromonaco. The Board closed the public hearing and took the following action. It approved Site Plan (Lot #1) Legend Hollow, dated March 4, 1998, last revised January 13, 1999.

IPB Matter #99-08:

**Public Hearing on Application of Spectrum
Irvington Corp., for Amended Site Development
Plan Approval for Lot #8, Legend Hollow.**

Mr. Craig Studer appeared for the Applicant. Applicant paid the required application fee and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. The Chairman opened the public hearing. This Application was previously heard at the April 1, 1998, Planning Board meeting (IPB #98-15). There were no comments from the public. Mr. Mastromonaco's memo dated February 2, 1999, recommended installing a railing on the walkout retaining wall. The Board closed the public hearing and took the following action. It approved Site Plan (Lot #8) Legend Hollow, prepared March 4, 1998, last revised January 28, 1999.

IPB Matter #99-10:

**Public Hearing on Application of Spectrum
Irvington Corp., for Amended Site Development
Plan Approval for Lot #68, Legend Hollow.**

Mr. Craig Studer appeared for the Applicant. Applicant paid the required application fee and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. The Chairman opened the public hearing. This Application was previously heard at the September 2, 1998, Planning Board meeting (IPB #98-36). There were no comments from the public. The Board closed the public hearing and took the following action. It approved Site Plan (Lot #68) Legend Hollow, dated August 8, 1998, last revised January 28, 1999.

IPB Matter #98-28:

**Public Hearing on Application of Spectrum
IrvingtonCorp., for Amended Site Development
Plan Approval for Lot #47, Legend Hollow.**

Mr. Craig Studer appeared for the Applicant. The Chairman re-opened the public hearing carried over from the February 3, 1999, meeting. The only public comment was from Mr. Berger, a neighbor, who complained of view and asked if trees could be added. After some discussion, three trees were added to the site plan. The Chairman closed the public hearing and noted the Board was not passing on legality, and approved Site Plan (Lot #47) Legend Hollow, prepared July 8, 1998, last revised February 1, 1999.

The Board then considered the following administrative matters:

- Minutes of the Planning Board held on January 6, 1999, previously distributed, were on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for March 10, 1999.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Allen Morris, Secretary